

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54033 of 2018

Arising Out of PS. Case No.-77 Year-2018 Thana- KINJAR District- Jehanabad

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1. Md. Mustafa @ Mustafa Mian, Son of- Late Md. Ajij Mian @ Abdul Ajij.
 2. Md. Manjur Mian @ Manjur Ahmad, Son of- Late Isfak Mian @ Md. Ishak, Both resident of Village- Angari, P.S. Kinjer, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri Jogendra Kumar
For the Opposite Party/s	:	Smt. Pushpa Sinha, A.P.P.
For the informant	:	Sri Sanjay Kumar Singh

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

2 11-09-2018 Learned counsel for the petitioners at the very outset submits that due to inadvertence he failed to mention in paragraph -3 of the petition that petitioners besides the present case are also accused in one another case i.e. Kinjer P.S. Case No. 78 of 2018 registered for the offence under Section 341/323/504/353/427/511/34 of the Indian Penal Code, 1860 (hereinafter referred to as the “I.P.C.”). He is permitted to make correction in course of the day.

Heard Sri Jogendra Kumar, learned counsel for the petitioners, Smt. Pushpa Sinha , learned Additional Public Prosecutor as well as Sri Sanjay Kumar Singh, learned counsel for the informant.



Two petitioners apprehending their arrest in connection with Kinjer P.S. Case No. 77 of 2018, registered for the offence under Sections 341/ 504/ 323/ 324/ 379/ 307/34 of the I.P.C., have prayed for grant of bail in the event of their arrest or surrender.

Learned counsel for the petitioners at the very outset has drawn my attention to Annexure – 2 to the petition i.e. an F.I.R. vide Kinjer P.S. Case No. 79 of 2018 in which informant is petitioner no. 1 of the present case . It has been argued that informant's side were aggressors and they themselves had assaulted the petitioners and their family members for which on written statement of the petitioner no. 1 an F.I.R. vide Kinjer P.S. Case No. 79 of 2018 was lodged. He further submits that injuries which were caused on the person of the informant of the present case were found simple in nature. Accordingly, a prayer is being made for granting anticipatory bail.

Learned Additional Public Prosecutor as well as learned counsel for the informant have opposed the prayer for grant of anticipatory bail. It has been argued that besides the present case while Police arrived during investigation, Police party was assaulted and this is the reason that Police has also lodged an F.I.R. vide Kinjer P.S. Case No. 78 of 2018 against



the petitioners. It has also been argued that of -course injuries were found simple in nature, but injuries were given on vital parts.

Be that as it may, considering the fact that after lodging of the present case, second F.I.R. was also lodged by the Police on accusation of interference with official duty, I am of the opinion that it is not a case for granting anticipatory bail.

The petition stands dismissed.

(Rakesh Kumar, J)

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